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Busking 11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 Patent Application

Applicant(s): Erik Busking
Case: 11
Serial No.: 10/608,597
10 Filing Date: June 27, 2003
Group: 2618
Examiner: Tuan A. Tran

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. 1450, Alexandria, VA 22313-1450

Signature: *Tim Maurer* Date: October 12, 2006

Title: Filter Switching System and Method

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MEMORANDUM IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Sir:

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The present invention and prior art have been summarized in Applicants' prior responses.

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

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Claims 1 through 9 are presently pending in the above-identified patent application. Claims 1-9 are provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-9 of United States Patent No. 6,442,382. Claims 1-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hornak et al. (United States Patent Number 5,678,222), and further in view of Lindqvist et al. (United States Patent Number 5,530,929).

ArgumentsIndependent Claims 1 and 6

Independent claims 1 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hornak et al., and further in view of Lindqvist et al. Regarding claim 1, the
5 Examiner asserts that Hornak discloses a first mixer circuit 123, 127, 133...a second mixer circuit 123, 127...wherein when one of the mixer circuits is activated, the remaining mixer circuit does not generate an output voltage signal (FIGS. 5A, 12, and 18; col. 9, lines 36-65; col. 12, lines 29-64; col. 18, line 44, to col. 19, line 10). The Examiner acknowledges that Hornak does not mention an amplifier coupled to the first and second mixer circuits for providing the first
10 communication signal to the first and second mixer circuits, but asserts that a receiver having an amplifier coupled to a mixer circuit for providing amplified communication signal to the mixer circuit is common in the art as shown by Lindqvist (FIG. 2).

Applicant notes that, in the figures cited by the Examiner, Hornak discloses a *single mixer 123*. Contrary to the Examiner's assertion, Hornak teaches that element 127 is a
15 *local oscillator* and element 133 is a *phase shifter*. Thus, Hornak does *not* disclose or suggest a second mixer circuit.

Applicant also notes that, although Lindqvist discloses two mixers 11 and 11', Lindqvist does not disclose or suggest that, *when one of the mixer circuits is activated, the remaining mixer circuit does not generate an output voltage signal*. Independent claim 1
20 requires wherein *when one of said mixer circuits is activated, the remaining mixer circuit does not generate an output voltage signal*. Independent claim 6 requires *selectively activating any one of said mixer circuits while remaining mixer circuits does not generate an output voltage signal*.

Thus, Hornak et al. and Lindqvist et al., alone or in any combination, do not
25 disclose or suggest wherein when one of said mixer circuits is activated, the remaining mixer circuit does not generate an output voltage signal, as required by independent claim 1, and do not disclose or suggest selectively activating any one of said mixer circuits while remaining mixer circuits does not generate an output voltage signal, as required by independent claim 6.

Dependent Claims 2-5 and 7-9

Dependent claims 2-5 and 7-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hornak et al., and further in view of Lindqvist et al.

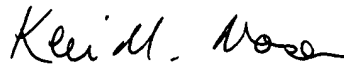
Claims 2-5 and 7-9 are dependent on claims 1 and 6, respectively, and are therefore patentably distinguished over Hornak et al. and Lindqvist et al. (alone or in any combination) because of their dependency from independent claims 1 and 6 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims, i.e., claims 1-9, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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